

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

FABIAN HAISCHMANN et al.

Serial No. **10/623,279**

Filing Date: **7/18/2003**

For: **DEVICE FOR RINSING A BODY
CAVITY**

Examiner: to be assigned

Art Unit: **3761**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION AND PETITION UNDER 37 CFR 1.47(a)

I, Jacqueline E. Hartt, do hereby declare and say as follows:

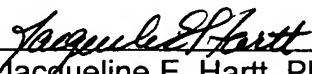
1. I am the U.S. agent of record in the above-referenced application and have been working with the German firm of Albrecht, Lüke & Jungblut, in the filing of the present application.
2. Attached is documentation from Attorney Lüke attesting to the numerous attempts that have been made to obtain the signature of inventor Haischmann, without success.
3. Also attached is a Declaration and Petition under 37 CFR 1.47(a) signed by Attorney Lüke.
4. In addition is attached a Declaration and Petition under 37 CFR 1.47(a) signed by Marc Engelhardt, the Regulatory Affairs Manager of Assignee W.O.M. World of Medicine AG, as well as a Statement under 37 CFR 3.73(b)
5. I hereby declare that all statements made herein are of my own accord and are true and that all statements are made on available information; and further that these statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment or both, under Section 1001 of Title XVIII of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 17, 2004.

Respectfully submitted,



Jacqueline E. Hartt, Ph.D.
Reg. No. 37,845
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
(407) 841-2330
Agent for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Fabian Haischmann et al.

Art Unit: **3761**

Serial No. **10/ 623,279**

Filing Date: **July 18, 2003**

For: **Device for Rising a Body Cavity**

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION AND PETITION UNDER 37 CFR 1.47(a)

I, Dipl.-Ing. Dierck-Wilm Lücke, do hereby declare and say as follows:

1. I am the German patent attorney working in the above-referenced application and have worked with the assignee, W.O.M. World of Medicine AG, Berlin, Germany, in the preparation of German patent application DE 102 33 053.035 dated 07/19/2002, and with the U.S. Patent Agent of record, Jacqueline E. Hartt, in the filing of U.S. Patent Application Serial No. 10/623,279, the above-referenced utility patent application, which claims priority to the German patent application.
2. Correspondence with the assignee, related to the above-referenced application, began on July 21, 2003 with the sending of the entire application papers, including the Specification and drawings of the instant application and declarations, to the assignee for signature by the formerly two inventors Haischmann and Merzhäuser. The revised filing documents, consisting of the Declaration and Assignment for signature by all four inventors and the application papers were sent to the assignee by letter dated August 13, 2003. I have reminded Mr. Marc Engelhardt of the assignee by letter dated December 11, 2003 and by several telephone calls. After having informed Mr. Marc Engelhardt on January 19, 2004 that the documents could be signed by the three inventors in case that the fourth inventor does reject the signature we had received the documents by letter dated February 6, 2004. The application papers and declarations were although re-sent via DHL on February 10,



2004, for which copies of the transmitted letter, declaration, assignment and shipping label are submitted herewith.

3. It is my understanding that the work and development by the co-inventors was within the scope of their employment with W.O.M. World of Medicine AG. This is attested to by the enclosed "Petition under 37 CFR 1.47(a)" signed by the representative of W.O.M. World of Medicine AG, Mr. Marc Engelhardt.
4. A Statement under 37 CFR 3.73(b) signed by W.O.M. World of Medicine AG representative Mr. Marc Engelhardt is also enclosed.
5. I hereby declare that all statements made herein are of my own accord and are true and that all statements are made on available information; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title XVIII of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 10, 2004.

Respectfully submitted,

Dipl.-Ing. Dierck-Wilm Lücke
German and European Patent Attorney
Albrecht, Lücke & Jungblut,
German and European Patent Attorneys
Gelfertstraße 56
D-14195 Berlin (Dahlem)
Germany

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: F. Haischmann et al. / W.O.M. WORLD OF MEDICINE AG

Application No./Patent No.: 10/623,279 Filed/Issue Date: 7/18/2003

Entitled: Device for Rinsing a Body Cavity

W.O.M. WORLD OF MEDICINE AG, a German corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2004 - 02 - 06

Date

+49.30.39981670

Telephone number

W.O.M. WORLD OF MEDICINE AG

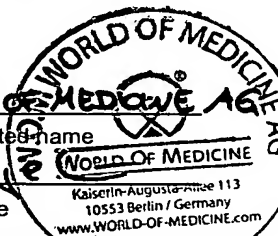
Typed or printed name

Man. G. G. G.

Signature

Regulatory Affairs Manager

Title



This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Fabian Haischmann et al.

Art Unit: **3761**

Serial No. **10/623,279**

Filing Date: **July 18,2003**

For: **Device for Rinsing a body Cavity**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**DECLARATION AND PETITION OF Marc Engelhardt
UNDER 37 CFR 1.47 (a)**

I, Marc Engelhardt , do hereby declare and say as follows:

1. I am Regulatory Affairs Manager of W.O.M. WORLD OF MEDICINE AG, sole assignee of the above-referenced application.
2. It is my understanding and belief that co-inventor Haischmann has refused to execute the above-referenced application.
3. The work and development by the co-inventors was within the scope of their employment with W.O.M. WORLD OF MEDICINE AG, Assignee.
4. A Statement under 37 CFR 3.73 (b) signed by the undersigned is also enclosed.
5. This invention is continuing to be developed by W.O.M. WORLD OF MEDICINE AG, and is thus believed to represent an important property thereof, protection for which is being sought with the filing of the above-referenced patent application. Therefore, it is believed that a lack of such protection would be damaging to W.O.M. WORLD OF MEDICINE AG, which has invested in this invention.



6. I hereby declare that all statements made herein are of my own accord and are true and that all statements are made on available information; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title XVIII of the United States Code, and that any such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 2004-02-06



Marc Engelhardt, RA Manager
W.O.M. WORLD OF MEDICINE AG
Kaiserin-Augusta-Allee 113
D - 10553 Berlin
GERMANY



**Attachment to DECLARATION AND PETITION OF Marc Engelhardt
UNDER 37 CFR 1.47 (a)**

The following writings were forwarded to Fabian Haischmann by the assignee in order to encourage him to execute the above-referenced application:


Letter dated the 16th of September 2003

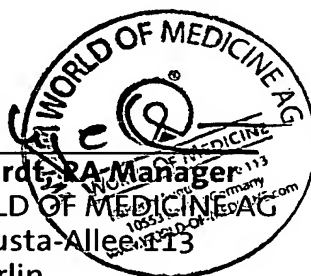
Letter dated the 24th of September 2003

Letter dated the 23rd of December 2003

Copies of these writings are kept on file within W.O.M. WORLD OF MEDICINE AG.

Dated: 2004-02-06


Marc Engelhardt, RA-Manager
W.O.M. WORLD OF MEDICINE AG
Kaiserin-Augusta-Allee 113
D - 10553 Berlin
GERMANY



Kopie

W.O.M. WORLD OF MEDICINE AG • Kaiserin-Augusta-Allee 113 • 10553 Berlin

Herr
Fabian Haischmann
Lenaustraße 4a

15370 Petershagen

Datum/date: 16.09.03

Hallo Fabian!

Zunächst einmal freue ich mich, Dir beiliegend zwei Eintragungsbestätigungen des Europäischen Patentamts zukommen lassen zu können. Du bist nun sowohl bei der deutschen Patentanmeldung als auch bei der europäischen Patentanmeldung als Miterfinder der 'Doppelrollenpumpe' angegeben.

Selbiges soll nun auch in den USA geschehen. Daher bitte ich Dich, die von den US-Patentanwälten vorbereiteten und ebenfalls beigelegten Formblätter zu unterschreiben und an mich zurückzusenden. Ich leite sie dann an die Anwälte weiter.

Ich hoffe ansonsten geht es Euch gut. Ist das Thema Hausbau zu einem versöhnlichen Ende gekommen? – Nach all dem Stress, von dem Du hin und wieder berichten konntest...

Solltest Du zu dem Stand der Patentanmeldungen oder zu sonst einer Angelegenheit Rückfragen oder Anmerkungen haben, so melde Dich einfach. Ansonsten Danke ich Dir für Deine Mühe,
Grüße an Frau und Kind



Marc Engelhardt
W.O.M. World Of Medicine AG
Rechtsabteilung

Kopie

W.O.M. WORLD OF MEDICINE AG • Kaiserin-Augusta-Allee 113 • 10553 Berlin

Herr
Fabian Haischmann
Lenaustraße 4a

15370 Petershagen

Datum/date: 24.09.03

Hallo Fabian!

Heute morgen war Thomas Merzhäuser hier und hat mir von Deinen Sorgen hinsichtlich der zu unterzeichnenden Dokumente erzählt. Dazu muß ich sagen: Ist vielleicht auch mit mein Fehler, ich hoffe Du fühlst Dich da nicht durch mich überrannt.

Hier ist die Telephon- und die Faxnummer der Kanzlei 'Albrecht, Lüke und Jungblut, Patentanwälte'.

Tel: 030. 283052-0
Fax: 303.28305225

Herr Lüke und Herr Jungblut betreuen das Patent, wie Du ja auch weißt. Beide sind sehr nett und sicherlich bereit, etwaige Fragen Deinerseits zu den Erklärungen zu beantworten. Solltest Du Bedenken wegen der möglichen Konsequenz Deiner Unterschrift haben, so kannst Du sie jederzeit kontaktieren. Ansonsten stehe ich Dir natürlich für Rückfragen auch zur Verfügung.

Ich habe gehört ihr seid nicht mehr zu dritt sondern in der Zwischenzeit zu viert? Herzlichen Glückwunsch! Ich hoffe Euch geht es allen gut, aber nach Herrn Merzhäusers Aussagen darf wohl davon ausgegangen werden!

Ansonsten Danke ich Dir für Deine Mühe.
Grüße an Frau und Kinder,



Marc

Kopie

W.O.M. WORLD OF MEDICINE AG • Kaiserin-Augusta-Allee 113 • 10553 Berlin

Herr
Fabian Haischmann
Lenastraße 4a

15370 Petershagen

Datum/date: 23.12.03

Hallo Fabian!

Ich muß mich noch einmal wegen der Patentanmeldung 'Doppelrollenpumpe USA' an Dich wenden: Nach wie vor fehlen leider die von Dir abgezeichneten Unterlagen.

Ich habe sie noch einmal diesem Schreiben beigelegt und bitte Dich, sie mir so schnell wie möglich unterzeichnet wieder zukommen zu lassen. Die Kollegen sind von Deiner Unterschrift abhängig, bei einer Verweigerung könnte letztendlich sogar ein Verfahren drohen. Wie gesagt, Du kannst Dich jederzeit mit unseren Patentanwälten in Verbindung setzen, Herr Lüke würde sich über Deinen Anruf freuen.

Hier noch einmal die Telefon- und die Faxnummer der Kanzlei 'Albrecht, Lüke und Jungblut, Patentanwälte'.

Tel: 030. 283052-0

Fax: 303.28305225

Auf jeden Fall möchte ich Dir, Deiner Frau und Deinen Kindern auf diesem Wege ein frohes (und erholsames!) Weihnachtsfest sowie ein gutes Jahr 2004 wünschen. Würde mich freuen im Neuen Jahr wieder mal von Dir zu hören! Also feiert schön, und rutscht gut 'rein,
liebe Grüße

